IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

Bail Appl..No. 4998 of 2007()

PETITIONERS

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1. DR.ANIL KUMAR, AGED 44 YEARS,
   S/O. RAMANKUTTY,
   ANIL BHAVANAM,P.R.A.37,G.P.O. LANE,
   THIRUVANANTHAPURAM.

2. SAROJINI, AGED 77 YEARS,
   W/O. RAMANKUTTY,
   DO..DO...

3. SOJA KUMARI,AGED 46 YEARS,
   W/O. AJITH,T.C.11/1722 (2)
   CHARACHIRA, KOWDIAR,
   THIRUVANANTHAPURAM.

4. SMITHA, AGED 24 YEARS,
   D/O. SHEELA,T.C.30/1329,
   RAMA'S COTTAGE,PETTAH P.O.,
   THIRUVANANTHAPURAM.

BY ADV. SRI.S.MOHANAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA,REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE
PETTAH POLICE STATION,
THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 4998 OF 2007

Dated this the 18th day of August, 2007

ORDER

Application for anticipatory bail. The petitioners are the husband, mother-in-law, sister-in-law and the niece-in-law of the de facto complainant. The marriage took place on 31/12/04. The couple are not blessed with any children. They allegedly started separate residence way back in 2005. A crime has been registered on the basis of a private complaint filed by the de facto complainant. The de facto complainant is an Advocate by profession. The 1st petitioner is a Doctor. Crime has been registered. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. There is strain in the matrimony. Consequently, exaggerated and vexatious allegations are raised against the petitioners by the de facto

complainant in a private complaint. Anticipatory bail may, in the interests of justice, be granted to the petitioners, it is prayed.

3. The learned Public Prosecutor does not oppose the said prayer. The learned Public Prosecutor only submits that appropriate conditions may be imposed in the interests of a fair, efficient and expeditious investigation. I am satisfied, in the facts and circumstances to which I have made a brief reference above, that anticipatory bail can be granted to the petitioners.

4. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 25/8/07. They shall be released on regular bail on their executing bonds for Rs.25,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 30/8/07 and 31/8/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of one month. Subsequently, they shall so make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if these directions were not issued at all;

(iv) If the petitioners were arrested prior to their surrender on 25/8/07 as directed in clause (i) above, they shall be released on their executing bonds for Rs.25,000/- each without any sureties undertaking to appear before the learned Magistrate on 25/8/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge